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Personnel



INDIVIDUAL CONSENT STATEMENT - FEDERAL DUTY AND GOVERNOR'S CONSENT - OCONUS

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction establishes procedures and responsibilities for accomplishment and maintenance of Individual Consent Statements for federal training duty performed outside the United States, its territories and possessions, and other duty performed in a federal status under authority of Section 12301(d), Title 10, United States Code (U.S.C.). It applies to all members of the California Air National Guard.

SUMMARY OF REVISIONS

Updates references. Changed reference Section 672(b) and (d) to 12301 (b) and (d), plus added updated definition of section 12301 (b), (d) and (f).

1. Background. Section 12301(d), Title 10, U.S.C., requires the consent of the Governor and consent of the individual concerned for tours of active duty in a federal status. In order to be assured that individuals are, indeed, consenting to these active duty tours, the Governor requires that Individual Consent Statements be signed and retained on file for certain types of active duty tours.

1.1. The Governor has delegated authority to The Adjutant General to require and maintain Consent Statements from members of the California Army and Air National Guard who are subject to call to federal active duty, subject to the consent of the individual involved, for training outside the Continental United States (OCONUS) training, air defense alert duties, Modular Airborne Fire Fighting System (MAFFS) duties and rescue operations.

1.2. OCONUS deployments, excluding Alaska, Hawaii, Puerto Rico, Virgin Islands, Guam and American Samoa, by 1 or more California Air National Guardsmen, requires a consent request be forwarded to the Governor by the Adjutant General for approval prior to the deployment of National Guard personnel.

1.3. Extracts of the applicable sections of Title 10, United States Code, are included as Attachment 1.

2. Definitions:

2.1. Active duty: For the purposes described in this instruction, active duty refers to any tour of duty in a federal status under Section 12301(d), Title 10, U.S.C., when such duty would be performed outside of the United States, its territories or its possessions, or for duties performed for the North American Air Defense Command (NORAD) Alert Program, rescue duties in a federal status on land or at sea, or for support of the Modular Airborne Fire Fighting System (MAFFS) in a federal status.

2.2. Individual Consent Statement: A signed statement by a member of the California Air National Guard signifying his or her consent to be called to federal active duty.

2.3. MAFFS: Modular Airborne Fire Fighting System

2.4. NORAD: North American Air Defense Command

2.5. OCONUS: Outside the Continental United States: For the purposes described in this instruction, these terms prescribe countries, territories or possessions of sovereign foreign powers and do not include Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands, American Samoa, or any other possessions or territory of the United States outside its contiguous continental limits.

3. OCONUS Deployments:

3.1. Commanders will ensure that each member of his or her unit called to active duty under the provision of Section 12301(d), Title 10, U.S.C., for duty to be performed in foreign countries or territories, has signed an Individual Consent Statement (CA ANG Form 4) prior to the publication of the overseas training order. Each overseas duty tour will require a new consent statement.

3.2. Short notice deployments or last minute changes may require the issuance of special orders without a signed consent form. In those instances, a Memorandum For Record (MFR) will be accomplished by the individual's supervisor attesting to the fact that circumstances beyond administrative control precluded the accomplishment of the Individual Consent Statement prior to the issuance of orders, and that the member has verbally consented to being called to active duty. The MFR will be filed with the special orders request. Personnel called to active duty with an MFR attached to the orders request will still be required to sign an Individual Consent Statement prior to actual performance of the active duty tour.

3.3. The orders issuing authority is responsible for ensuring that consent statements are completed and received prior to publication of active duty orders, or that an MFR attesting to the individual's consent has been received. Distribution of orders, however, will not be made to the individual prior to receipt of his or her signed Individual Consent Statement.

3.4. Requests for Governor's consent for OCONUS duty must be submitted to the Headquarters, California Air National Guard (ANG/CCE) for processing. Consent requests must be in the Governor's office not later than thirty (30) days prior to the deployment. Units should allow a minimum of two (2) additional working days for Headquarters processing. Short notice requests, less than 30 days must include the date of the tasking directive along with the tasking agency. Units are encouraged to submit consent requests as soon as tasking is requested (up to one (1) year in advance). The Headquarters will ensure future requests are coordinated with the respective unit and submitted to the Governor as required.

3.4.1. CA ANG Wing/Group will designate, in writing, an OCONUS point of contact (POC) who will be responsible for submitting the information required for Governor's consent for all Wing/Group OCONUS deployments. Attachment 2 identifies items required for Governor's consent. HQ CA ANG/CCE will maintain the list of Wing/Group OCONUS points of contact and process the consent request.

3.4.2. The information identified in Attachment 2 may be sent to HQ CA ANG/CCE in letter format or verbal if necessary. The use of e-mail and or FAX for information flow is encouraged. Changes to previously submitted requests must be transmitted to HQ CA ANG/CCE as soon as possible.

3.4.3. Once the Governor has approved a specific unit deployment, the Headquarters will send an approval letter to the Wing/Group POC.

4. NORAD Alert: Officers whose military assignments are such that they can potentially be expected to be placed on federal active duty to perform NORAD alert aircrew duties will sign a copy of the Individual Consent Statement specified for NORAD Alert, CA ANG Form 5. The statement will be signed once and will suffice for the remainder of an individual's assignment to those duties.

5. MAFFS and Rescue Duty: Personnel whose military assignments are such that they can potentially be expected to be placed on federal active duty to perform air and ground duties in support of the MAFFS when requested by the U.S. Forest Service, or rescue missions directed by the USAF Rescue Coordination Center, will sign a copy of the Individual Consent Statement specified for MAFFS and Rescue Duty, CA ANG Form 6. For officers, the statement will be signed once and will suffice for the remainder of an individual's assignment to those duties. For enlisted members, the statement will be reaccomplished at each reenlistment.

6. RETENTION OF STATEMENTS:

6.1. The orders issuing authority will ensure that Consent Statements are signed, or a MFR is received prior to orders being published assigning members to duties herein described, and that a consent statement is received prior to issuance of the orders to the member.

6.2. Individual Consent Statements for OCONUS duty tours will be filed and maintained with the special orders background material in accordance with AFMAN 37-139.

- 6.3. Individual Consent Statements for MAFFS NORAD Alert and Rescue Duty will be retained in a central file and in accordance with AFMAN 37-139.
- 6.4. The Governor's Consent approval letter should be maintained by the Wing/Group OCONUS POC and the deployed unit, and in accordance with AFMAN 37-139.

ROBERT W. BARROW
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Commander

Attachments

1. Title 10, United States Code
2. Governor's Consent Request

ARMED FORCES - TITLE 10, UNITED STATES CODE

Section 12301(b)

At any time, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, in an active status in a reserve component under the jurisdiction of that Secretary to active duty for not more than 15 days a year. However, units and members of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor of the State (or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard).

Section 12301(d)

At any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty, or retain him on active duty, with the consent of that member. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.

Section 12301(f)

The consent of a Governor described in subsections (b) and (d) may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions because of any objection to the location, purpose, type, or schedule of such active duty.

GOVERNOR'S CONSENT REQUEST

1. Unit Designation: Wing/Group designation plus deployed personnel's squadron/flight (i.e. 129 RQW will deploy members from the Rescue Squadron).

2. Number of Personnel: If unit personnel will be rotated during an extended deployment, identify the number of personnel per rotation along with their respective deployment dates: Example: Operation "Southern Star".

10 Feb - 7 Mar 99 - 10 Members

6 Mar - 9 Apr 99 - 7 Members

17 May - 6 Jun 99 - 16 Members

25 Jul - 4 Sep 99 - 22 Members

3. Deployment Dates: Include travel and duty. If the deployment involves support of an extended operation/exercise, include the rotation dates as per the example in paragraph 2. If the deployment dates are "classified", please indicate as such.

4. Location: Include city and country. If "classified", please indicate such.

5. Purpose: Identify the specific purpose of the deployment, i.e., support for a specific operation/exercise, annual training, site survey, augmentation, etc. Additionally, state the general duties of the deployed personnel, i.e., medical, civil engineering, SATCOM maintenance, etc.

6. Tasking Agency: Identify the tasking agency and the date the tasking was received/requested. Include a copy of the tasking document if possible. If the tasking document is "classified", please indicate as such.

7. Deployed Equipment: Identify the type and number of key equipment items deployed, i.e., aircraft, SATCOM units, etc.

8. Impact to State Mission: Identify if the deployment of unit personnel and/or equipment will adversely affect unit support to the state mission.